

**Speech-Language Pathology and Audiology Board**

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**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD
Department of Consumer Affairs
San Francisco State University
Burk Hall #28
1600 Holloway Avenue
San Francisco CA 94132
January 15, 2005
MINUTES**

Members Present

Marcia Raggio, Ph.D., Chairperson
Sherry Washington, M.A.
Rebecca Bingea, M.A.
Alison Grimes, Au.D.
Diana Verdugo, M.S.
James Till, Ph.D.
Bruce Gerratt, Ph.D.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Candace Raney, Board Analyst
Lori Pinson, Board Analyst
Ann Bollenbacher, Board Staff
Albert Balingit, Legal Counsel
George Ritter, Legal Counsel

Members Absent

Paul Donald, M.D.

Guests Present

Robert Powell, California Speech-Language-Hearing Association
Jane Moir, Public School Speech-Language Pathologist
Jody Winzelberg, California Academy of Audiology
Dennis Van Vliet, Audiologist

I. Call to Order

Chairperson Raggio called the meeting to order at 11:36 a.m.

II. Introductions

Those present introduced themselves.

III. Approval of meeting minutes for September 23-24, 2004- Committee Meetings and Full Board Meeting

The Board discussed minor grammatical edits to the minutes.

M/S/C: Grimes/Verdugo

The Board approved the September 23-24, 2004 Committee Meeting and Full Board Meeting minutes as amended.

IV. Chairperson's Report (Marcia Raggio) Report on January 14, 2004 Meeting with the Directors of the California Academic Training Programs in Speech-Language Pathology and Audiology

Ms. Raggio explained that on January 14, 2004, the Board met with the directors of the California academic training programs in speech-language pathology and audiology to discuss issues related to audiology graduate programs in the state of California.

Ms. Raggio stated that Ms. Grimes began the meeting by noting that there is a shortage of audiologists and training programs in the state of California. She stated that the shortage of audiologists results in a consumer protection issue.

Ms. Raggio stated that Ms. Grimes also expressed concern regarding California's ability to regulate in a manner consistent with other states that have decreed the Au.D. as the standard for entry-level audiologists.

Ms. Raggio explained that another important issue related to this matter has to do with fourth year Au.D. students completing an externship while still a student under the auspices of the university. She stated that existing state laws require that an applicant obtain a temporary license in order to complete the required professional experience (RPE). The temporary license can be granted only after the applicant has completed the Master's training program or equivalent, including the 300 clinical practicum hours. Au.D. students may or may not have completed the 300-practicum hours before entering the fourth year of the program and, therefore, may not be eligible for a temporary license. Furthermore, there is a long-standing professional concern that if a student is granted a license prior to completing the professional training program, the student may be tempted to forgo the remaining course of study.

Ms. Raggio stated that many people were present to address these issues. She noted that Steve Sinclair, Director of the Communicative Disorders Program at California State University (CSU) Northridge was present and explained his current endeavors to encourage the CSU Chancellor, Charles Reed, to support a stand-alone "clinical doctorate" in the CSU system. Mr. Sinclair has been working very hard to accomplish this because of a number of issues, including the apparent position that affiliations between the CSU system and the University of California system simply are not going to happen, and that audiology training of new students has ceased. He suggested that if something is not done now, it could be years before any changes can be made.

Ms. Raggio stated that Mr. Sinclair has been working with Senator Jack Scott, who is very knowledgeable about the status of audiology training in California, and who is willing and prepared to introduce legislation to promote a stand-alone CSU clinical doctorate in audiology. Other terms for this degree include “professional” or “applied” doctorate. Mr. Sinclair explained that, after introduction of the legislation, there is a 30-day comment period and, upon conclusion of the 30-day comment period, the legislation will be referred to the Education Committee. Senator Scott is the Chair of the Education Committee. Public hearings will be held. One of the major concerns is that each CSU campus will be responsible for developing a funding strategy to fund their program independently, which will most likely result in higher costs to the students.

Ms. Raggio further stated that Mr. Sinclair believes that Chancellor Reed is in support of this proposed legislation. The status of the bill, in terms of its passage, should be known by approximately September 2005. Those sponsoring the initiative are hopeful that the bill is not identified as requiring an appropriation, as this would likely defeat the bill.

Ms. Raggio explained that a discussion ensued regarding the creation of interim language in the licensing regulations that would establish standards for Board-approved Master’s programs in order to enable Master’s programs to continue to train audiology students for a few more years, thereby providing time to learn the outcome of the legislation. She stated that Ms. Grimes will address this issue further, and that Mr. Sinclair suggested a final transition date of August 2008.

Ms. Raggio stated that further discussion occurred regarding the requirement that an RPE supervisor either hold a license or qualifications deemed equivalent by the Board, such as ASHA certification. She explained that there might also be a need for a change in the supervision language.

V. Committee Reports

A. Continuing Professional Development Practice Committee (Gerratt)

Mr. Gerratt stated that the Committee adopted the minutes of the Continuing Professional Development Practice Committee teleconference held October 26, 2004.

Mr. Gerratt stated that the Committee also considered an appeal regarding the denial of a continuing professional development course entitled “Navigating Cyberspace: In Search of Intervention Materials for SLPs” sponsored by HEALTH ED Continuing Education Programs. Mr. Gerratt stated that the Committee voted to overturn the previous denial of the course and determined that it is applicable to the practice of speech-language pathology and, therefore, creditable toward license renewal.

Mr. Gerratt stated that the Committee met with professionals expressing an interest in serving as volunteer subject matter experts for the continuing professional development program. He stated that Ms. Del Mugnaio provided an in-depth overview of the program, information relative to expected workload, and other practical matters associated with the program.

Ms. Del Mugnaio explained that the Committee discussed expectations in terms of processing timelines and how courses would be assigned to the subject matter experts for review based upon area of expertise. Ms. Del Mugnaio stated that the Committee also discussed sample regulatory language.

Ms. Del Mugnaio stated that before the new course approval process can be implemented, the Board must adopt regulations to define the process.

Ms. Del Mugnaio stated that the Committee determined that another meeting would be held in southern California on March 11, 2005 to provide an opportunity for additional individuals interested in serving as subject matter experts to interface with the Committee in a forum similar to the meeting on January 14, 2005 held in San Francisco.

Ms. Del Mugnaio outlined the recommended changes that were discussed relative to the proposed regulatory language.

Jane Moir addressed the Committee regarding a course that she offers as a Board-approved CPD provider. She expressed concern regarding the relevance of the course and whether it would be directly related to the practice of speech-language pathology and whether it would be acceptable for license renewal. She stated that the course relates to discipline. Ms. Del Mugnaio explained that the Board's position has always been that each course offered for the purposes of obtaining credit toward license renewal must be practice specific, and that those courses that are more general in nature are deemed not to be applicable.

Ms. Del Mugnaio suggested that Ms. Moir submit her course information and documentation to the Board for review.

M/S/C: Grimes/Bingea

The Board voted to adopt the report and recommendations of the Continuing Professional Development Practice Committee.

B. Audiology Practice Committee (Bingea)

Ms. Bingea stated that the Audiology Practice Committee met to discuss a draft document prepared by the CSHA Taskforce regarding auditory processing disorders (APD). Ms. Bingea explained that Ms. Grimes also located a statement from the California Department of Education regarding the treatment of APD in the school system.

Ms. Bingea explained that the main purpose in raising the issue of APD is to track the development of issues related to this matter.

Ms. Bingea stated that the Committee also discussed providing a summary of the information gathered by the Committee relative to APD on the Board's website as a resource for professionals and consumers.

Ms. Bingea stated that the CSHA Taskforce on APD was originally scheduled to meet with the Committee on January 14, 2005; however, the Taskforce was unable to attend the Committee meeting and the matter will be agendized again for the Committee's April 2005 meeting.

M/S/C: Grimes/Verdugo

The Board voted to adopt the report and recommendations of the Audiology Practice Committee.

C. Speech-Language Pathology Practice Committee (Till)

Mr. Till stated that the Speech-Language Pathology Practice Committee met earlier and discussed a regulation amendment establishing an equivalency provision enabling Bachelor's-degree applicants to apply the clinical experience completed in an undergraduate speech-language pathology assistant program toward the field work requirements that must be obtained to register as a speech-language pathology assistant. Mr. Till indicated that an in-depth discussion was held regarding speech-language pathology undergraduate training and whether the clinical hours offered in an undergraduate training program are comparable to that offered in a speech-language pathology assistant training program. The Committee determined that the undergraduate clinical training should be deemed acceptable and that Bachelor's degree applicants should be granted registration if they possess the minimum of 70 hours of clinical training as required in existing regulations. The Committee further decided that verification of the hours should be determined by a speech-language pathology assistant training program representative.

M/S/C: Grimes/Gerratt

The Board voted to adopt the report and recommendations for amending the speech-language pathology assistant regulations as proposed by the Speech-Language Pathology Practice Committee.

VI. Executive Officer's Report (Annemarie Del Mugnaio)

A. Budget Update

Ms. Del Mugnaio stated that she provided updated projections in the Board packet. She stated that the Board has expended in excess of \$25,000 at this point in time in enforcement-related costs. She explained that the Board might need to authorize an augmentation to the Attorney General appropriation in order to continue its enforcement proceedings.

Ms. Raney provided information relative to types of cases being processed through the Board's enforcement program.

Ms. Del Mugnaio reiterated that the Board must use caution relative to budgetary issues to avoid over expending its current budget.

B. Staffing Update

Ms. Del Mugnaio stated that Ann Bollenbacher has been promoted and will be assigned to coordinate the Board's Continuing Professional Development Program.

C. National Council of State Boards Meeting October 21-23, 2004 in Santa Fe New Mexico

Ms. Del Mugnaio stated that she and Ms. Grimes attended the National Council of State Boards Meeting held October 21-23, 2004 in Santa Fe, New Mexico.

She stated that the University of Oklahoma provided information relative to their Au.D. program. In addition, the University of Nebraska, Lincoln provided a presentation relative to their Au.D. course offerings. Ms. Del Mugnaio stated that she has a sample of the program structures of each of the programs and invited the Board members to contact her if they are interested in obtaining copies of the information provided.

Ms. Del Mugnaio stated that the New York State Licensure Board also provided a presentation regarding the history of the professions of audiology and speech-language pathology. The presentation addressed the proposed changes of the American Speech-Language-Hearing Association and the differences in the standard-setting model, which was once based upon a definitive number of hours and expectations for completing a certain number of units and courses, to a currently proposed more competency-based standard. The presentation addressed the difficulties encountered by licensing agencies in implementing the competency-based standards.

Ms. Del Mugnaio stated that there was a state information exchange in which representatives from each state presented a summary of the major issues being addressed in their respective states.

Ms. Del Mugnaio stated that because there is such a high number of licensing boards represented in the membership of the Council, the information exchanged at the meetings is invaluable. She stated that California is looked to as a model and as a pioneer in dealing with various practice issues.

D. California Performance Review Report

Ms. Del Mugnaio began by stating that a copy of the report that was prepared by the California Performance Review Commission and submitted to the Governor was included in the meeting packets. She explained that the recommendations of the Commission were not what the Governor would be pursuing as his plan for reorganizing the governmental structure of the State.

Ms. Del Mugnaio explained that the Governor's revised plan (as included in the packets) will now be submitted to The Little Hoover Commission for review. Ms. Del Mugnaio explained that The Little Hoover Commission is an autonomous body of state government that makes recommendations to the Governor relative to governmental reorganization and other public policy matters. The Commission is made up of appointed members. The report was presented to the Commission on January 5, 2005, and the Commission has 30

days to review the Governor's plan and make recommendations. Ms. Del Mugnaio explained that The Little Hoover Commission would hold hearings regarding the Governor's proposal on January 26, 2005.

Ms. Del Mugnaio explained that after the Little Hoover Commission reviews the plan, it would be submitted to the Legislature where the Legislature has 60 days to review the plan. The Legislature can decide to take no action on the plan, which would result in the plan being implemented as proposed by the Governor, or the Legislature could reject the plan, which would defeat the proposal. However, the Governor has indicated that if the Legislature rejects the plan, then the proposal would appear on a ballot for vote before the people.

Ms. Del Mugnaio provided the Board members with a document prepared by the Department of Consumer Affairs that outlines the impact of this plan on the boards, bureaus, and commissions under the Department. Essentially, the boards would be absorbed under the jurisdiction of the Department and the Director would have ultimate authority for the decision making of the boards under the Department's jurisdiction.

Ms. Del Mugnaio explained that if the plan is implemented, the Speech-Language Pathology and Audiology Board will become a program under the Department of Consumer Affairs, the employees would be transferred to the Department as departmental employees and, for the time being, the executive officer would become a program manager under the Department.

Ms. Del Mugnaio also explained that the Governor would continue to appoint members to serve on the Speech-Language Pathology and Audiology Board, as the fate of his plan is unknown. However, if the proposal is implemented, the board members would no longer serve as board members but may be appointed as advisory committee members at the discretion of the Department's Director. The advisory committee members would serve as volunteers and would not be compensated for time or travel.

Ms. Del Mugnaio explained that if this proposal passes, the effective date for implementation of the plan is July 1, 2005.

E. Response From American Speech-Language-Hearing Association Regarding Issues Related to Licensing Equivalency Provisions (Business and Professions Code Section 2532.8)

Ms. Del Mugnaio stated that the Board packets contain a letter from the American Speech-Language-Hearing Association (ASHA).

Ms. Del Mugnaio explained that early in 2004, the Board sent a letter of concern to ASHA regarding the issue of the Board's equivalent certification standards, in that ASHA appeared to be issuing certification based upon exam scores that may have been more than 10 years old. Ms. Del Mugnaio stated that ASHA was, in fact, accepting old exam scores for certification. ASHA has acknowledged the issue and indicated that they are actively working to rectify the situation within their organization.

VII. Enforcement/Licensing Statistical Reports (Candace Raney/Lori Pinson)

Ms. Del Mugnaio explained that the Board packet contained updated licensing and enforcement statistical reports.

The Board discussed the option of providing both intermittent statistical data, as well as a full year reports at the end of each fiscal year.

VIII. Proposed Regulations

A. Discussion on Proposed Amendments to California Code of Regulations Sections 1399.152 & 1399.156.4 Regarding Board-Approved Institutions & the Advertisement of Professional Degrees

Ms. Grimes explained that the Board has reviewed this proposed regulatory language, and that the language has been revised to clarify the proposed doctoral standards based on comments received at the September 24, 2004 Board meeting, as well as suggestions provided at the joint meeting with the Directors of the California Academic Training Programs in Speech-Language Pathology and Audiology held the previous day. Ms. Grimes and Ms. Del Mugnaio outlined the changes reflected in the document in the meeting packets and indicated that the changes proposed at the joint meeting could be incorporated should the Board so choose.

Ms. Del Mugnaio explained that the California Council of Academic Chairs in Communication Sciences and Disorders prepared a document for Board consideration that outlined the existing Council of Academic Accreditation accrediting standards for Master's training programs, and that they requested that the Board consider adopting such standards in regulation during a specified transition period, thereby providing existing Master's programs an opportunity to evolve into doctoral training facilities. Ms. Del Mugnaio explained that the issue of the transitional language, wherein the Board would approve unaccredited training programs, involves a number of issues that have yet to be resolved.

Ms. Grimes stated that the Board should consider whether it is necessary to recognize, for the purposes of state licensure in California, a Master's degree from an unaccredited program during the transitional period.

Ms. Del Mugnaio stated that one major factor to consider is consumer access to qualified practitioners, and that by providing recognition of the Master's degree from an unaccredited program during the transitional period, the Board is taking a proactive step to encourage the continuing training of audiologists in order to serve the public needs.

Ms. Washington commented that the Board's primary concern should be maintaining an adequate supply of qualified practitioners in the state, and that by not recognizing the existing Master's programs, the Board may be viewed as a force limiting the supply of audiologists in the state.

Ms. Grimes suggested that the Board has an obligation to find a reasonable solution to continue to train an ample number of audiologists in the state.

Ms. Del Mugnaio recommended conducting a survey of the training programs for a proposed term date and the rationale associated with the date, taking into consideration the academic calendar and enrollment issues, as well as a reasonable time period for program transition. She and Ms. Grimes will move forward with the recommended changes to the proposed regulatory language and will bring the proposed language before the Board at the next meeting to be held in April 2005.

M/S/C: Washington/Grimes

The Board voted to move forward with the proposed regulatory language to redefine the "Board-approved" institution, absent language establishing program standards for Master's programs until further information can be obtained on a proposed transitional model that can be discussed at the next Board meeting.

Ms. Del Mugnaio stated that the proposed language also addresses advertising of professional degrees. She explained that the provision addresses those professionals who obtained their doctoral degree from a distance-learning program who are seeking direction from the Board as to whether the degree will be recognized by the Board for the purposes of advertising.

Mr. Ritter explained that the Board has had many discussions relative to the advertising of professional degrees and the restrictions in the existing regulations regarding the advertising by licensees of both discipline-specific degrees as well as other doctorate degree designators. He stated that there is a provision in the Business and Professions Code that prohibits agencies under the Department of Consumer Affairs from restricting the advertising of earned degrees unless the advertising of that degree would be false, misleading, or deceptive. Mr. Ritter explained that this concept was incorporated into the proposed regulatory language of Section 1399.156.4.

M/S/C: Grimes/Washington

The Board voted to adopt the proposed regulatory language related to the advertising of earned professional degrees.

B. Discuss Licensing Issues Related to Doctorate Education - Required Professional Experience Requirements (California Code of Regulations 1399.152.2 & 1399.153)

Ms. Washington indicated that the discussion that occurred the previous day at the joint meeting with the California academic training program directors surrounded the issuance of the provisional required professional experience (RPE) temporary license to Au.D. students preparing to complete the 4th year or final year externship within the Au.D. training program. She explained that, while the focus of the discussion was regarding whether the current statutory and regulatory language is applicable to the Au.D. program model in terms of the completion of an externship under the auspicious of the university, she was concerned with another aspect of issuing the RPE temporary license to an Au.D. student. Ms. Washington explained that Master's degree students are required to complete all of the coursework and the 300(+) hours of clinical practicum prior to being awarded a Master's degree and prior to being eligible for the RPE temporary license. She

stated that the Board's proposed doctoral training standards do not address the completion of a specified number of clinical practicum hours prior to the externship component. Ms. Washington suggested that a clinical practicum standard be added to the proposed doctoral program language to clarify that completion of a minimum of 300 clinical practicum hours, as defined in existing regulation, must be achieved prior to beginning the doctoral externship program component.

Ms. Grimes indicated that she would incorporate the suggested change and would be interested in researching the actual number of clinical practicum hours offered in doctoral audiology programs. She stated that the clinical practicum hour reference in the doctoral training program language should be distinct from that required in Master's degree programs.

C. Discussion of Department of Consumer Affairs Model Regulations for Complaint Disclosure and the Board's Proposed Complaint Disclosure Regulations (California Code of Regulations Sections 1399.180 – 1399.187)

Ms. Del Mugnaio explained that the document provided represents the Board's Complaint Disclosure Policy previously adopted by the Board that now incorporates portions of the Department of Consumer Affairs Model Regulations.

Mr. Ritter provided the Board with background information relative to this issue and outlined his concerns regarding the Department's model regulations for complaint disclosure.

Mr. Balingit expressed concern regarding the proposed complaint disclosure policy with regard to the release of information related to citations issued for violations of the Speech-Language Pathology and Audiology Licensure Act.

Mr. Ritter and Mr. Balingit agreed to further research the matter of disclosure relative to enforcement matters that involve the issuance of citations and fines, and agreed to present the legal conclusion at the April 2005 meeting.

IX. Discuss Draft Sunset Review Report and Timeline for Final Report Preparation

Ms. Del Mugnaio explained that the Board will proceed with Sunset Review regardless of whether the Governor's reorganization plan is adopted by the Legislature. She stated that she and Ms. Raggio will continue to move forward with preparation of the draft report and requested that all Board members submit any additional information they may have as soon as possible.

Ms. Del Mugnaio explained that a draft report will be provided for review at the April 2005 meeting.

X. Meeting Calendar 2005

Ms. Del Mugnaio stated that the next meeting will be held in Los Angeles on April 29 and 30, 2005. She advised the Board that, due to budget constraints, it is very important to be cognizant of the need to secure free or low cost meeting sites.

Ms. Del Mugnaio stated that the subsequent meeting scheduled for July 28 and 29, 2005 will be held in Sacramento.

Ms. Del Mugnaio stated that the fall 2005 meeting is scheduled for October 28 and 29, 2005. However, the October meeting dates may be changed to address Sunset Review deliberations.

XI. Public Comment on Items Not on the Agenda

Ms. Lucinda Ford addressed the Board to request amendments to the Speech-Language Pathology and Audiology Licensure Act to accommodate ASHA's definition of cognition, language and articulation therapy. She stated that ASHA fully defines the role of the speech-language pathologist in providing communication and cognition therapy. However, when the physicians from her facility contacted the Board for assistance in defining what speech-language pathologists are allowed to do, they were instructed that speech-language pathologists cannot conduct cognitive linguistic-evaluations, which is a significant part of her practice.

Ms. Ford explained that ASHA has published two guidelines relative to the role of the speech-language pathologist in providing cognition therapy. She expressed concern because the Act does not specifically authorize speech-language pathologists to work with patients who are mentally impaired.

Ms. Ford stated that she works primarily with dementia patients who live in a retirement facility. She explained that as the patients decline, the primary care physician would often refer the patient to the speech-language pathologist to perform a cognitive-linguistic evaluation to determine the individual's memory skills, judgment, visual spatial skills, etc. She stated that, based upon the outcome of the evaluation, the speech-language pathologist will capitalize on the patient's strengths to keep the individual as independent as possible for as long as possible. She explained that many of the patients have a very limited, if any, support system.

Ms. Del Mugnaio explained that this issue was brought to her attention and that she has discussed the issue with the physicians at Ms. Ford's place of employment. She stated that she was able to provide the physicians with enough information to assure them that speech-language pathologists may conduct modified barium swallow studies. Ms. Del Mugnaio stated that the issue of linguistics and the request to amend the statutory language of the Act requires a legislative change. She stated that the definition of speech-language pathology is more of a general practice definition, as is the case in many other allied health licensure provisions.

Ms. Del Mugnaio explained that the Board is reviewing this issue to determine if there may be an overlap in providing cognitive-linguistic evaluations with the practice of psychology. She stated that the Board is working with the Board of Psychology as well as legal counsel to address the statutory authority. She thanked Ms. Ford for bringing this issue before the Board, and stated that this issue will be placed on a future agenda for further discussion.

XII. Announcements

Next Board Meeting is April 29-30, 2005

Ms. Del Mugnaio reiterated that the next Board meeting will be held in Los Angeles on April 29 and 30, 2005, and that the subsequent meeting scheduled for July 28 and 29, 2005 will be held in Sacramento. Ms. Del Mugnaio stated that the fall meeting scheduled for October 28 and 29, 2005 may be changed to September to facilitate Sunset Review.

BOARD WILL CONVENE IN CLOSED SESSION

XIII. Closed Session (pursuant to Government Code Subsections 11126 (a)(1) (c)(3) Proposed Decisions/Stipulations/ Other APA Enforcement Actions

There were no enforcement actions for consideration.

BOARD WILL RECONVENE IN OPEN SESSION

XIV. Adjournment

There being no further discussion, Chairperson Raggio adjourned the meeting at 3:57 p.m.

Annemarie Del Mugnaio, Executive Officer